

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EUGENE F. MCNETT,

CIVIL ACTION NO. 08-10674

Plaintiff,

DISTRICT JUDGE MARIANNE O. BATTANI

v.

MAGISTRATE JUDGE DONALD A. SCHEER

VA MEDICAL CENTER,

Defendant.

/

**ORDER DENYING APPLICATION FOR**  
**APPOINTMENT OF COUNSEL**

Plaintiff's pro se Complaint was filed on February 15, 2008. On May 5, 2008, Plaintiff filed an Application for Appointment of Counsel. This matter is before the magistrate judge pursuant to an Order of Reference for all pretrial proceedings.

There is no right to the appointment of counsel in civil cases. The court has no funds with which to compensate attorneys for their professional services on behalf of indigent civil litigants. While the court does administer a program for assignment of civil cases to attorneys on a voluntary basis, demand for such services exceeds the number of available volunteers. In addition, the Complaint in this action may be subject to dismissal for violation of Fed.R.Civ.P. 4(m) and/or as untimely under the provisions of 28 U.S.C. §2401(b). Based upon the foregoing, the court finds that Plaintiff's Application for Appointment of Counsel should be denied.

IT IS THEREFORE ORDERED that Plaintiff's Application for Appointment of Counsel is denied, without prejudice.

s/Donald A. Scheer  
DONALD A. SCHEER  
UNITED STATES MAGISTRATE JUDGE

DATED: June 25, 2008

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#### CERTIFICATE OF SERVICE

I hereby certify on June 25, 2008 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on June 25, 2008. **Eugene McNett.**

s/Michael E. Lang  
Deputy Clerk to  
Magistrate Judge Donald A. Scheer  
(313) 234-5217